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UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA, PHOENIX DIVISION

In re:

GENA FAYE LEE

Debtor,

GENA FAYE LEE,

Plaintiffs,

vs.

WELLS FARGO BANK, N. A., JOHN
DOE, JANE DOE, BLACK AND WHITE
CORPORATION I-VI,

Defendants.

(Chapter 13 Case)

No. 4:09-bk-11890-EWH

Adv. No. 4:10-AP-00076-EWH

COMPLAINT FOR DEVALUATION OF
REAL PROPERTY: PURSUANT TO 11
UNITED STATES CODE §506 AND
FRBP §3012

GENA FAYE LEE, Debtor/Plaintiffs (hereinafter referred to as "Plaintiffs"), by and through counsel, Nasser Abujbarah, for her Complaint, against WELLS FARGO BANK, and, plausibly respectfully alleges as follows:

GENERAL ALLEGATIONS APPLICABLE TO ALL COUNTS

1. This is a core, and/or contested proceeding over which this Court has jurisdiction pursuant to 28 U.S.C. §157(k), §1334, 11U.S.C. §506 and Fed. R. Bankr. P. (FRBP) §506.
2. This case was commenced by voluntary petition under Chapter 13 on May 29, 2009.
3. Plaintiff resides at 2420 W. Bartlett Way, Queen Creek, Pinal County, Arizona.
4. Said real property and its valuation is the subject matter of this adversary complaint.
5. Venue is proper before this Court pursuant to 28 U.S.C. §1409.

6. Defendant Wells Fargo Bank, N. S. , based upon information and belief, is licensed and/or authorize to do, write and make residential mortgage loans by a contract.

7. Plaintiff, at the time the instant Chapter 13 bankruptcy was filed, was the owner of certain real property, physically located at 2420 W. Bartlett Way, Queen Creek, Arizona and the legal description is set out in Defendant's Motion to Lift the Automatic Bankruptcy Stay, and is incorporated herein by this reference.

COUNT ONE

PURSUANT TO 11U.S.C. §506 THE COURT MAY DETERMINE THE SECURED
STATUS OF REAL PROPERTY

10. Plaintiffs repeats, reiterates and realleges all of the foregoing as if more specifically set forth herein.

11. Upon the commencement of the Chapter 13 bankruptcy case , the Defendant's claim was file June 8, 2009 for \$218,497.74.

12. The Plaintiff believes and thereon allege the real property is worth \$105,000.00 based upon several acceptable principals and factors for evaluation of real property.

13. Defendants proof of claim states he claim is for \$218,497.00.

14. The real property is undersecure and is subject to 11 U.S.C §506.

15. The real property is property of the “estate.”

16. The Fed. R. Bankr. P. §3012 provides the Court with authority to bifurcate Defendant's claim.

WHEREFORE, the Plaintiff pray that this Honorable Court find for Plaintiff the following:

- a. That the Defendant's claim regarding the real property is subject to bifurcation;
- b. That the Court determine the secured valuation and unsecured valuation of Defendant's claim;

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1 c. That the Court issue an Order upon its determination of the secured value and
2 unsecured value; and

3 d. For such other and further relief as this Court deems just and proper.

4 RESPECTFULLY SUBMITTED this _12th__day of January, 2010.

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6 By /s/Nasser Abujbarah

7 Nasser Abujbarah

8 Attorney for Debtors
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